

Fresno, California

March 8, 2012

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Oliver Baines III	Councilmember
	Andreas Borgeas	Councilmember
	Lee Brand	Councilmember
	Sal Quintero	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Clinton Olivier	Council President

Mark Scott, City Manager  
Bruce Rudd, Assistant City Manager  
Dave Hale, Chief Assistant City Attorney  
Yvonne Spence, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Natalie Chamberlain of United Christian Church gave the invocation, and President Olivier led the Pledge of Allegiance.

**PRESENTATION OF THE SPCA PET OF THE MONTH – COUNCILMEMBER BRAND**

Presented.

**PROCLAMATION OF “MULTIPLE SCLEROSIS AWARENESS WEEK” – COUNCILMEMBER BRAND**

**PROCLAMATION OF “GIRL SCOUTS 100 YEAR ANNIVERSARY AND YEAR OF THE GIRL” – MAYOR’S OFFICE**

**PROCLAMATION OF “RITA RAMIREZ DAY” – PRESIDENT OLIVIER, MAYOR’S OFFICE AND POLICE DEPARTMENT**

The above proclamations were read and presented.

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**APPROVE MINUTES OF MARCH 1, 2012:**

On motion of Councilmember Westerlund, seconded by President Olivier, duly carried, RESOLVED, the City Council minutes of March 1, 2012, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

Councilmember Westerlund, pursuant to AB 1234, reported on his trip to Sacramento yesterday for the California Association for Water Agencies Legislature meeting and the update given on water bonds, and along with Public Utilities Director Wiemiller expanded further on water supply, needs, and working with/expanding what we have.

Acting President Xiong commended Councilmembers Borgeas, Brand and President Olivier for the important questions posed yesterday about high speed rail and thanked them for their leadership.

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**APPROVE AGENDA:**

**(10:30 A.M. #1)** CONTINUED HEARING TO CONSIDER THE FORMATION OF A SPECIAL TAX DISTRICT (CFD NO. 16) FOR MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE UNIVERSALLY ACCESSIBLE PARK (Continue to March 22, 2012, at 10:00 a.m.)

Continued as noted.

**(10:15 A.M.)** HEARING ON REZONE APPLICATION NO. R-11-016 AND ENVIRONMENTAL FINDINGS FILED BY WILLIAM GAVELLO, PROPERTY LOCATED ON THE NORTH SIDE OF W. WHITESBRIDGE ROAD BETWEEN N. FRUIT AND N. THORNE AVENUES IN DISTRICT 3

- a) ADOPT THE ENVIRONMENTAL FINDING OF A FINDING OF CONFORMITY PREPARED FOR E.A. NO. R-11-016
- b) BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6 (HEAVY COMMERCIAL) TO M-1 (LIGHT MANUFACTURING)

Councilmember Baines requested the hearing be continued to May 3<sup>rd</sup> so he could address concerns with the applicant.

On motion of Councilmember Brand, seconded by Acting President Xiong, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong Olivier
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

Brunette Harris, HEAT for Southwest Fresno, POB 12571, spoke to **Item 1-B** stating her opposition to spending money to purchase any property due to the city's budget situation.

**(1-D)** APPROVE ACCEPTANCE OF A LOAN NOT TO EXCEED \$158,505 FROM THE PACIFIC GAS & ELECTRIC (PG&E) COMPANY ENERGY EFFICIENCY RETROFIT LOAN PROGRAM, AND AUTHORIZE THE ASSISTANT CITY MANAGER/INTERIM PARCS DIRECTOR, OR DESIGNEE, TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS ASSOCIATED WITH THE RETROFIT LOAN PROGRAM (REMOVED)

Councilmember Westerlund requested **Item 1-D** be pulled from Consent for separate discussion/action whereupon ACM Rudd advised staff was removing the item from the agenda and it would be brought back in a couple of weeks.

**(1-A)** **RESOLUTION NO. 2012-31** - 49<sup>TH</sup> AMENDMENT TO AAR 2011-133 APPROPRIATING \$24,300 IN EMERGENCY SOLUTION GRANT (ESG) FUNDS IN THE DARM DEPARTMENT'S BUDGET, AS PREVIOUSLY PROVIDED TO THE CITY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), TO CARRY OUT ELIGIBLE ACTIVITIES

**(1-B)** APPROVE PURCHASE AGREEMENT FOR A FEE SIMPLE ACQUISITION OF A 14,810 SQUARE FOOT PARCEL WHICH IS NECESSARY FOR THE CONSTRUCTION OF A NEW WATER SUPPLY WELL FROM PROPERTY OWNER VIRGINIA LEON FOR THE AMOUNT OF \$68,000, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO SIGN ALL DOCUMENTS ON BEHALF OF THE CITY

**(1-C)** APPROVE REQUEST FROM CAGLIA DEMOLITION TO SUBSTITUTE BRADLEY AND SONS, INC., AND UTILIZE TEZAK PUMP COMPANY FOR THE WELL ABANDONMENT PORTION OF THE BUILDING DEMOLITION PROJECT AT 2546 S. WILLOW AVENUE

On motion of Acting President Xiong, seconded by President Olivier, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier  
Noes : None  
Absent : None

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**(8:45 a.m. 'A') RESOLUTION - 509<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 (PARKS SECTION) INCREASING THE GREEN FEES AT RIVERSIDE GOLF COURSE**

PARCS Administrative Manager Norris reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Councilmember Borgeas presented questions/comments/concerns at length relative to the maximum allowable fee increase, what the rationale was for eliminating the \$2.00 Non-Resident surcharge, the 5-Year Capital Improvement Projects plan, if a specific dollar amount was trying to be achieved for the plan, the Senior monthly card increase and concern with impact to seniors, what other options existed other than increasing the Senior card fee, concern with spiking a small segment to create a fund for ongoing project improvements, if staff had any concerns, market analysis/comparison of Riverside's fees with other golf courses, and other publicly-owned golf courses and how their rates compare **(2 – 0)**, with Adam Pohll, General Manager of Riverside Golf Course, and ACM Rudd responding and clarifying issues throughout. Councilmember Borgeas stated he felt there was an easier way to distribute the increases stating to impact one particular group was significant and would send the wrong message, questioned if this item was time sensitive (with Mr. Pohll stating it was not), and made a motion to continue the matter two weeks to work on the numbers, which motion was seconded by Councilmember Baines. Acting President Xiong spoke in support of Riverside Golf Course, its management, and the city's investment in it stating it was the best and provided a lot for the price, and encouraged Councilmember Borgeas to talk with the seniors at Riverside about what the golf course offers and provides. Mr. Pohll and Mr. Rudd responded to questions of Councilmember Quintero relative to whether CourseCo managed Airways, when CourseCo's contract expired, if the capital projects were being thought about or would be constructed, and what type of improvements were planned.

On motion of Councilmember Borgeas, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Item 8:45 a.m. 'A' continued two weeks, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier  
Noes : None  
Absent : None

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**(8:45 a.m. 'B') RESOLUTION NO. 2012-32 - AUTHORIZING SUBMISSION OF APPLICATIONS FOR GRANT FUNDS IN THE AMOUNT OF \$632,000 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) 'SAFE ROUTES TO SCHOOL' PROGRAM, AND AUTHORIZING THE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE**

City Engineer Mozier reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Councilmember Baines, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2012-32 hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier  
Noes : None  
Absent : None

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**(8:45 a.m. 'C') APPROVE AMENDMENT NO. 1 TO THE \$1.4 MILLION HOME INVESTMENT PARTNERSHIPS PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT WITH THE KING OF KINGS HOUSING DEVELOPMENT CORPORATION TO INCREASE THE NUMBER OF UNITS IN "THE BRIDGES AT FLORENCE" AFFORDABLE SENIOR HOUSING PROJECT FROM 21 TO 34, EXTEND THE PROJECT COMPLETION DATE FROM OCTOBER 1, 2013, TO OCTOBER 1, 2014, INCREASE THE PROJECT BUDGET, AND UPDATE THE 55-YEAR CASH FLOW STATEMENT**

HCD Manager Cazares introduced the item and gave a brief overview, and Allison Williams, Director of Planning and Development for the Fresno Housing Authority expanded further on the project with a PowerPoint presentation entitled ‘Bridges at Florence’ which consisted of Southwest Fresno Market Study and Demand, Project Overview, Map of ‘Bridges at Florence’, Project Timeline, PBWS Architects Consulting Team, Previous Site Plan – 35 Units, Current Proposed Site Plan – 34 Units, Reasons for Requesting 34 Units, and Project Cost Information.

Brunette Harris, HEAT for Southwest Fresno, spoke in opposition to the project and to the 350’-500’ noticing requirement stating the entire community needed to be noticed to be informed and provide their input.

Councilmember Baines stated this had been a long process and the project had been controversial but added it had improved over the last year, spoke to the need for senior housing and stated he looked forward to seeing this project move forward and completed, and upon his request Ms. Williams and Ms. Cazares spoke to the community meetings/hearings that were held on the project. Councilmember Baines made a motion to approve staff’s recommendation, which motion was seconded by President Olivier.

Councilmember Brand stated his appreciation for construction costs being under \$200 a square foot stating that was exceptional for affordable housing, and presented questions and comments relative to predevelopment soft costs, how much of those costs were developer fees, if the Housing Authority as developer collected developer fees, request that details be provided on soft costs in the future for evaluation purposes, and importance of minimizing costs to have a bigger impact and do more in the community, with Welton Jordan of the Fresno Housing Authorities responding throughout.

Councilmember Westerlund also stated he was glad to see the \$125 - \$130 per square foot cost adding that is where these projects should be coming in at under his estimation and experience; spoke to the project stating it has been floating around for at least seven years, he was glad the Housing Authority was involved, he appreciated when organizations see a need and try to fill that need but he was frustrated that this project has gone on and on and on, and acknowledged this project was needed in the marketplace and hoped with the Housing Authority involved it would get done; and addressed comments made by Ms. Harris on community meetings stating Ms. Harris was badly misinformed and misunderstood the law and clarified the city comports and follows all local, state and federal (HUD) law/requirements.

Councilmember Baines concurred with Councilmember Brand on the need for staff to detail out all the costs so Council can get a better understanding on possible cost savings and doing projects a little more efficiently, and concurred with Councilmember Westerlund about projects dragging on stating a better job needed to be done by all involved.

On motion of Councilmember Baines, seconded by President Olivier, duly carried, RESOLVED, Amendment No. 1 to the \$1.4 million HOME Investment Partnerships Program CHDO Agreement with the King of Kings Housing Development Corporation as outlined above hereby approved, subject to City Attorney prior approval as to form, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	None

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**(9:00 a.m. ‘B’) PRESENTATION BY FRESNO STATE’S ASSOCIATED STUDENTS, INC. (ASI) TO DISCUSS “VIOLENCE AWARENESS WEEK” ALONG WITH THEIR REVITALIZATION EFFORTS AND ACCOMPLISHMENTS – COUNCILMEMBER WESTERLUND**

Councilmember Westerlund introduced the item and thanked Fresno State and ASI President Selena Farnesi for wanting to share with Council their work and crime awareness efforts in El Dorado Park and all areas around Fresno State stating the team was doing a fabulous job. ASI Student Body President Farnesi stated they had made a lot of progress in their revitalization efforts but there were still huge challenges in El Dorado Park and the greater Fresno State community, and introduced AmeriCorps volunteer Lauren Smoot who spoke to their advocacy efforts and shared a student story about an attempted robbery and subsequent shooting into the student’s fraternity housing. Ms. Farnesi stated a lot had been done thanks to Lauren and the efforts of student volunteers, and submitted a letter to Council with information on “Violence Awareness Week”, their community service, and community revitalization ‘Pride Points’, expanding on some of the points. Councilmember Westerlund stated unfortunately there were acts of

violence around Fresno State but it was not unlike anywhere else in the city, spoke to the need to increase lighting as the area around Fresno State was badly lit **(3 – 0)** and to his efforts and discussions to find solutions and financial assistance for more lighting, and commended Ms. Smoot, President Farnesi, ASI, the El Dorado Park Community Development Corporation, and code enforcement staff for all their work stating they have made a big difference. There was no further discussion.

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**(9:00 a.m. 'A') REPORT TO COUNCIL FROM HARVEY M. ROSE ASSOCIATES, LLC ON ANALYSIS OF CITY OF FRESNO FUNDS – ACTING PRESIDENT XIONG**

Acting President Xiong introduced the item and thanked members Baines, Quintero and President Olivier for participating with him financially in the study, thanked staff for working diligently with the Harvey Rose team, and called upon Craig Rousseau with Harvey Rose, who gave an in-depth overview of their analysis and findings, all as contained in their report as submitted.

**\*\*Visiting students from Maple Creek Elementary School were recognized and welcomed.**

City Manager Scott stated he appreciated the report and Mr. Rousseau's work, stated for the most part he found the report very validating and added it raised some issues for future discussions (pension funds, RDA money, OPEB), stated if staff determines the \$1.4 million UGM opportunity is there he will make his pitch that it go to offset some of the millions of dollars of negative fund balances, and again thanked Mr. Rousseau for his work and Council for the opportunity to work with Harvey Rose again.

Acting President Xiong noted in the last few years Council has gone through six budget cycles, tough decisions have been made, and more tough decisions would have to be made and that was the basis for asking for this analysis; stated the two main responsibilities of Council are policy and budget and spoke to his continually asking for budget options, to the estimated \$290,000 identified as a potential source for re-appropriation, and to justified needs and options; and presented questions/comments relative to Council authority to re-allocate funds from one use to another, need for staff to present options and pros/cons on needs and recommendations, this report providing potential opportunities to explore/discuss, if any RDA monies would be coming to the city, and RDA projections and assumptions, with Chief Assistant City Attorney Hale and Mr. Scott responding throughout.

Councilmember Westerlund stated he strongly objected to having this study done as he was confident in the information received from the independent outside auditor and Mr. Scott having a strong handle on the city's financial situation but stated he saw the value of this report as it validated what was known, and presented questions and comments relative to whether the general fund reserve/lack of reserve funds/long standing debt was reviewed, if valid accounting transactions were found, past questions/comments on internal service funds and charges, **(4 – 0)** the \$290,000 being generally spoken for to close the books, the \$2.1 million from Systems Replacement & Acquisition/Maintenance funds, Health & Welfare Trust and Retirement funds, short-term loans and payback, and appreciation for the validation but there being no new or striking revenue sources, with Mr. Rousseau and Mr. Scott responding.

Councilmember Brand thanked Mr. Rousseau for the report and stated he did not expect any pots of gold would be found as every rock had been looked under; commented on issues including the H&W Trust, the pension fund, capital reserve, and preliminary review of the RDA debt ("a mess") cautioning about expecting to find any windfall; and stated it was going to be a battle to solve the budget problem and everyone was going to have to work together and prioritize needs as they have done the last three years.

Acting President Xiong stated there was no doubt tough decisions were going to be made and reiterated his intent was to have clarity on potential funding sources for the upcoming debates that will occur on priorities. Councilmember Quintero stated he felt the study was very helpful in terms of providing a clearer picture on what the city was heading into and showing what few monies may be available so decisions can be made on where those funds can be used; stated going back to basics was going to be the theme of next year's budget and the basic core services to him were public safety, potholes and streetlights; and stated one budget option brought forth last year by Acting President Xiong that "didn't fly" was the use of enterprise funds and he felt that option needed to be in the upcoming conversations to cover some core services. Councilmember Borgeas stated he also did not support the study because he did not think the city would get anything for the cost, stated the use of city staff allowed the necessary work to occur within the dollars appropriated, and stated there had been six budget cycles since he came on board, the city had depleted its' checking and savings accounts, and the city was now at the point of looking into cashing out its IRAs and retirement and elaborated further. No action was required and there was no further discussion.

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President Olivier proposed Council take today's lunch break from 11:30 a.m. to 1:00 p.m.

**(8:45 A.M. SPECIAL MEETING NOTICE) RESOLUTION NO. 2012-33 - AUTHORIZING THE SUBMISSION OF TWO (2) APPLICATIONS FOR GRANT FUNDS FOR \$2,700,000 FOR TRANSIT ORIENTED DEVELOPMENT PROJECTS FROM THE FRESNO COUNCIL OF GOVERNMENTS (COG) UNDER THE FRESNO COUNTY MEASURE 'C' TRANSIT ORIENTED DEVELOPMENT (TOD) PROGRAM (PROPOSED PROJECTS LOCATED IN DISTRICT 3), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE APPLICATION RELATED DOCUMENTS**

Downtown Revitalization Manager Balch reviewed the issue and the grant applications staff would be applying for (\$2 million for Fulton Mall engineering and environmental work and \$700,000 for a Downtown Impact Fee Incentive Program) and recommended approval, all as contained in the staff report as submitted.

**\*\*Another visiting class from Maple Creek Elementary School was recognized and welcomed.**

Councilmember Baines thanked staff for their work and creativity and upon his question Mr. Balch stated the chances of receiving these funds was good as the city was the only eligible applicant. Councilmember Baines made a motion to approve staff's recommendation, which was seconded by Councilmember Westerlund who commented briefly on transit oriented development (TOD) and in support of the applications and urged Council's support.

Upon question of Councilmember Quintero Mr. Balch stated the two applications were for downtown and none of the money would be spent on the Ventura/Kings Canyon corridor. Mr. Balch and City Manager Scott responded to questions and comments of Councilmember Brand and/or clarified issues relative to TOD criteria, the plan here being to spend the money on engineering work to have the Fulton Mall eligible as a shovel-ready project and if that was a pre-condition to the \$20 million grant the mayor was talking about applying for to open up the mall to traffic, grant timeline, if this action would obligate the city to any of the three mall options, criteria for in-fill housing, what other residential buildings were on the mall besides the Security Bank and Mayflower Lofts, if staff was confident this application was thoroughly covered and justifiable, if COG would make the final decision, the proposed fee incentive program, what the current per unit park impact fee was, if these funds could only be used for future projects, need to develop a policy that clearly outlines criteria and priorities for future projects to get the biggest bang for the buck, and need to think about splitting funds or shifting to commercial or single-family homes due to the city possibly being at the point of reaching saturation on multi-family housing downtown.

**LUNCH RECESS – 11:32 A.M. – 1:04 P.M.**

Councilmember Brand continued and presented questions relative to whether using the \$700,000 of Measure C funds for commercial development deferral would comply with the intent of Measure C, suggestion that staff examine single-family, PUDs, and/or condominiums, and if an amendment to the motion was necessary to broaden the options, with Chief Assistant City Attorney Hale and Mr. Balch responding/clarifying issues.

Councilmember Borgeas spoke to process and his desire to have each project/appropriation from the \$700,000 come before Council and made a friendly amendment to the motion to have a priority list come back to Council for discussion if the \$2.7 million is awarded. ACM Rudd stated it was not an "if" but almost a given that these funds would be awarded because the way this was structured Fresno was the only place the funds could be spent, and as far as having a policy stated staff would return with one when the appropriation resolution is brought forth.

Acting President Xiong and Councilmember Quintero presented numerous questions and/comments relative the specific areas where funds have to be allocated to, the priority given for downtown **(5 – 0)**, if these funds could be used in areas that meet TOD guidelines but are outside the specified areas, if criteria will be the same for future funding rounds or if it will change, if Fresno will be the only eligible candidate for these funds for the next 20 years, if the three specific areas will remain, when the BRT/Ventura-Kings Canyon corridor will be considered for funding, when investment in the BRT corridors will occur, grant cycles/if this was a yearly process, grant timelines/when discussions will start for the next round, need to have discussions when the next cycle comes up, the three eligible areas and priorities, if the entire \$2.7 million was planned for just downtown, if the Blackstone and Ventura corridors (second priority) will be considered for upcoming rounds, what the key downtown timing needs were, if the EIR for opening the mall to traffic fell under the specified capital improvement projects, perception that the plan for these funds is to "tear up" the mall, who has final approval on the priorities, in-fill housing and concurrence with Councilmember Brand on multi-family saturation, and if these funds could be used to provide parks/green space downtown.

On motion of Councilmember Baines, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2012-33 hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier  
Noes : None  
Absent : None

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**(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 9, ANNEXATION NO. 2 (FINAL PARCEL MAP NO. 2010-09), PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. BLYTHE AND W. ASHLAN AVENUES IN DISTRICT 1**

- a) RESOLUTION NO. 2012-34 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- b) RESOLUTION NO. 2012-35- CALLING A SPECIAL MAILED-BALLOT ELECTION**
- c) RESOLUTION NO. 2012-36 - DECLARING ELECTION RESULTS**
- d) BILL NO. B-7 - ORDINANCE NO. 2012-7 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2011-2012 AND FUTURE TAX YEARS**

President Olivier announced the time had arrived to consider the issue and opened the hearing.

City Engineer Mozier reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Olivier closed the hearing.

Upon question of Acting President Xiong Mr. Mozier stated this was a fairly routine project that was going through the DARM process with appropriate notification and he was not aware of any concerns/complaints.

On motion of Acting President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2012-34, 2012-35 and 2012-36 hereby adopted, and the above entitled Bill No. B-7 adopted as Ordinance No. 2012-7, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier  
Noes : None  
Absent : None

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**(10:30 A.M. #2) CONTINUED HEARING TO CONSIDER DESIGNATION OF THE PULLMAN SHED LOCATED AT THE (FORMER) SOUTHERN PACIFIC RAILROAD STATION AT 1713 TULARE STREET TO THE LOCAL REGISTER OF HISTORIC RESOURCES**

- a) RESOLUTION NO. 2012-37 - DESIGNATING THE PULLMAN SHED TO THE LOCAL REGISTER OF HISTORIC RESOURCES**

President Olivier announced the time had arrived to consider the issue and opened the hearing, and Councilmember Westerlund stated another staff presentation was not necessary.

Upon call, no one wished to be heard and President Olivier closed the hearing.

Councilmember Westerlund noted this item was delayed from last week so he could talk with staff a little more about potential impacts on high speed rail alignment and the Pullman Shed and stated he did meet with staff and was supportive of the item as presented.

On motion of Councilmember Baines, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2012-37 hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier  
Noes : None  
Absent : None

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**UNSCHEDULED COMMUNICATION:**

Upon call, no one wished to be heard.

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**(2:00 P.M. SPECIAL MEETING NOTICE) CLOSED SESSION:**

**(‘A’) CONFERENCE WITH LEGAL COUNSEL/ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION – POTENTIAL LITIGATION: CITY OF FRESNO V. FRESNO BASEBALL CLUB LLC, INC.**

**(‘B’) CONFERENCE WITH LABOR NEGOTIATOR – EMPLOYEE ORGANIZATIONS:**

- #1 IUOE, STATIONARY ENGINEERS, LOCAL 39 (L39)**
- #2 FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)**
- #3 FRESNO POLICE OFFICERS ASSOCIATION (FPOA BASIC)**
- #4 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF BASIC)**
- #5 AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)**
- #6 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)**
- #7 FRESNO POLICE OFFICERS ASSOCIATION (FPOA MANAGEMENT)**
- #8 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF MANAGEMENT)**
- #9 CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)**
- #10 CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)**
- #11 FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS)**

The City Council met in closed session in Room 2125 to consider the above matters and the meeting was adjourned thereafter.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 3:00 p.m. having arrived and hearing no objection, President Olivier declared the meeting adjourned.

***Approved*** on the \_\_\_\_22nd\_\_\_\_day of \_\_\_\_MARCH\_\_\_\_, 2012.

\_\_\_\_\_/s/\_\_\_\_\_  
Clinton Olivier, Council President

ATTEST:\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk